

REMARKS

Claims 1-10 and 12-22 remain pending in the application. Claims 1-10 and 12-22 stand rejected. The Office Action of May 27, 2003 has been carefully reviewed and these remarks are responsive thereto. No new matter has been introduced into the application. Reconsideration and allowance of the instant application are respectfully requested.

Examiner Interview

Applicants would like to thank Examiner Winters for the telephone interview of July 21, 2003. As reflected in the Interview Summary:

After discussion of the claimed invention versus the prior art an agreement was reached that the Examiner's understanding of the claimed invention was unclear and the prior art does not effectively reject the claims. Based on the present state of the claims, the Examiner has agreed to reconsider the case and conduct a new search based upon receipt of a response to the final office action.

As requested, Applicants submit this response to the Final Office Action in order to have the Examiner reconsider the case and conduct a new search if it is deemed necessary. Based on the interview as the summary above, Applicants respectfully request that the rejections to the claims be withdrawn as Applicants submit that the claims are in condition for allowance.

Rejections under 35 USC § 102

Claims 1-6, 9, 10 and 12-22 stand rejected under 35 U.S.C. 102 (e) as being anticipated by U.S. Patent 6,446,110 to Lektion et al (hereinafter "Lektion et al"). Applicants respectfully request reconsideration of the rejection based on the Examiner interview of July 21, 2003.

Applicants submit similar remarks to this rejection as presented in Applicants response of April 30, 2003 to the non-final Office Action of January 30, 2003.

Claim 1 is drawn to a method of exchanging data and includes the feature of “generating a first software envelope containing the data file.” The present specification describes the “software envelope” feature, for example, on page 7, lines 12-17 as follows:

In this patent the term “envelope” refers to information that defines a delivery convention such as one or more of routing information, return routing information and state management information, much in the same way that a postal system envelope defines a convention where the routing and delivery can be accomplished independent of the final purpose, processing disposition, and information of the contents of the envelope.
(Emphasis added)

Figure 3 also illustrates one embodiment of the claimed software envelope. Data is placed between <body> tags 310 within the software envelope. Figure 6 illustrates an embodiment in which the data between <body> tags 310 is marked up with a markup language.

Lecture discloses a method of transferring data streams across a distributed data processing system. The data streams correspond to screen images and allow a client computer running an emulator application to reproduce the screen image generated by a host computer. In some of the disclosed embodiments, the data stream is parsed and tagged into an XML datastream. In contrast to what is claimed, Lecture fails to teach or suggest “generating a first software envelope containing the data file.” At most, Lecture teaches marking up a datastream with XML. For example, in column 5, lines 57-64, Lecture teaches “using a markup language to markup screen data by contents, attributes, and interactions” and in column 2, lines 28-30 Lecture discloses that “[t]he present invention provides methods and apparatus for representing host datastream screen image information using markup languages.”

On page 4, the Office Action asserts that the datastream disclosed in Lection is a software envelope. The Applicant respectfully disagrees. As described above, the present specification describes a software envelope as being different than a marked up data file or datastream. A exemplary marked up data file is illustrated in Figure 6 of the application. The marked up data file is contained within a software envelope and is not the same as a software envelope.

For at least these reasons, it is respectfully submitted that independent claim 1 is in condition for allowance. Dependent claims 2-6 and 9-10 depend from independent claim 1 and are allowable for at least the same reasons as independent claim 1. The dependent claims also contain features not shown in Lection. Claim 2, for example, includes the feature of "automatically generating a second software envelope from the information in the first software envelope." The Action alleges that this feature is shown in Lection column 6, lines 49-50 and element 416 of Fig. 4. The Applicant respectfully disagrees. The cited sections of Lection relate to datastreams. As described above, the claimed software envelopes are not the same as datastreams.

Claim 12 was rewritten in independent form and thus has not been changed in scope since it's filing. In particular, claim 12 includes the feature of "a data field containing manifest information corresponding to the information contained in the data file data field." The present specification describes "manifest information," for example, on page 10, lines 10-20. Manifest information is also illustrated in figure 5 of the application. As described in the application, manifest information may include the name of a document, description of a document, name of attachments, description of attachments and identification of the type of attachment.

The Action alleges that the feature of “a data field containing manifest information corresponding to the information contained in the data file data field” is found in column 9, lines 7-9 of Lektion. In column 9, lines 6-9, Lektion states that “[a] DTD is a grammar that describes what tags and attributes are valid in an XML document or datastream that refers to the DTD and in what context the tags and attributes are valid.” This section of Lektion merely relates to the format of an XML document or datastream and does not teach or suggest including “a data field containing manifest information corresponding to the information contained in the data file data field,” as now claimed in claim 11. Lektion never mentions manifest information or using a data field that contains manifest information.

For at least these reasons, it is respectfully submitted that independent claim 12 is in condition for allowance. Claim 11 has been cancelled. Dependent claims 13-15 depend from independent claim 12 and are allowable for at least the same reasons as independent claim 12.

Independent claims 16 and 20 includes the features of “generating a software envelope containing the data file,” and “receiving a software envelope containing a data file,” respectively. As described above, Lektion fails to or suggest generating or using the claimed “software envelope.” For at least this reason, it is respectfully submitted that independent claims 16 and 20 are in condition for allowance. Dependent claims 17-19 and 21-22, which ultimately depend from independent claims 16 and 20 are allowable for at least the same reasons as the claims from which they depend.

Rejections under 35 USC § 103(a)

Claims 7 and 8 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Lektion. Applicants respectfully request reconsideration of the rejection based on the Examiner interview of July 21, 2003.

Applicants submit similar remarks to this rejection as was presented in Applicants response of April 30, 2003 to the non-final Office Action of January 30, 2003.

Claims 7 and 8 depend from claim 1 and are allowable for at least the same reasons as claim 1. Accordingly, the Applicants respectfully request withdrawal of this ground of rejection for the reasons given above.

Sufficiency of Response

Applicants submit that this paper complies with 37 C.F.R. 1.116 as the response is consistent with the Examiner interview of July 21, 2003 and places the application in condition for allowance. See MPEP § 714.12. Applicants respectfully request reconsideration and withdrawal of the rejections. In addition, Applicants submit that the pending claims are in condition for allowance and a notice to that effect is earnestly requested.

CONCLUSION

Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Respectfully submitted,

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